

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1397 OF 2022
IN
CRIMINAL APPEAL NO. 721 OF 2017

WITH
CRIMINAL APPEAL NO. 721 OF 2017
WITH
CRIMINAL APPLICATION NO. 743 OF 2018

Shahnawaj Mohammad Hussain Shaikh .. Applicant
Vs.
State of Maharashtra .. Respondent

Mr. Sanjeev Kadam for the Applicant
Mr. S.S. Hulke, APP for the State

CORAM : A.S. GADKARI &
MILIND N. JADHAV, JJ.

DATE : 26th July 2022.

P.C.:

. This is an Application for suspension of sentence and releasing the Applicant on bail.

2. Applicant is accused No. 1. Applicant has been convicted under Sections 302 and 201 r/w 34 of IPC and sentenced to suffer imprisonment for life and to pay total fine of Rs. 10,000/- by the learned Additional Sessions Judge, Kalyan in Sessions Case No. 211 of 2013 by its Judgment and Order dated 10.03.2017

3. Record indicates that, the present case is based on circumstantial evidence. Accused No. 2 – Smt. Taraparvin Sadik Shaikh the co-accused in the present crime, has been released on bail by this court

by suspending her sentence by an Order dated 18.06.2018. The observations made in paragraph Nos. 5 and 6 of the said Order dated 18.06.2018 are *mutatis mutandis* applicable to the case of the Applicant. Perusal of record indicates that, the Applicant has played similar role as of the co-accused who has been granted bail by this court. In view thereof, during pendency of the present Appeal, substantive sentence imposed on the Applicant can be suspended and he can be released on bail.

4. Hence the following order:-

- (i) Applicant be released on bail in Sessions Case No. 211 of 2013 on his furnishing P.R. Bond of Rs. 25,000/- with one or two separate local sureties in the like amount;
- (ii) After his release from jail and till final disposal of present Appeal, Applicant is directed to attend Manpada Police Station, Taluka Kalyan, District Thane on every first Monday of the month initially for a period of 1 year and thereafter on every first Monday of every 3rd month i.e. 4 times in a year.

5. Application is allowed in the aforesaid terms.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]

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